

ASSEMBLY BILL

No. 1165

Introduced by Assembly Member Tom Berryhill

February 27, 2009

An act to amend Section 12986 of the Water Code, relating to levees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1165, as introduced, Tom Berryhill. Water: delta levee maintenance.

Existing law establishes a delta levee maintenance program pursuant to which a local agency may request reimbursement for costs incurred in connection with the maintenance or improvement of project or nonproject levees in the Sacramento-San Joaquin Delta. Existing law declares legislative intent to reimburse eligible local agencies under this program, until July 1, 2010, in an amount not to exceed 75% of those costs that are incurred in excess of \$1,000 per mile of levee, and repeals that statement of legislative intent on January 1, 2011. Existing law declares legislative intent to reimburse 50% of those described costs on and after July 1, 2010.

This bill, with respect to the statement of legislative intent to reimburse 75% of the described costs, would extend the inoperative date to July 1, 2015, and the repeal date to January 1, 2016. The bill would make the statement of legislative intent to reimburse 50% of the described costs operative on July 1, 2015.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 12986 of the Water Code, as amended by Section 4 of Chapter 548 of the Statutes of 2006, is amended to read:

12986. (a) It is the intention of the Legislature to reimburse an eligible local agency pursuant to this part for costs incurred in any year for the maintenance or improvement of project or nonproject levees as follows:

(1) ~~No costs~~ Costs incurred shall *not* be reimbursed if the entire cost incurred per mile of project or nonproject levee is one thousand dollars (\$1,000) or less.

(2) Not more than 75 percent of any costs incurred in excess of one thousand dollars (\$1,000) per mile of project or nonproject levee shall be reimbursed.

(3) (A) As part of the project plans approved by the board, the department shall require the local agency or an independent financial consultant to provide information regarding the agency's ability to pay for the cost of levee maintenance or improvement. Based on that information, the department may require the local agency or an independent financial consultant to prepare a comprehensive study on the agency's ability to pay.

(B) The information or comprehensive study of the agency's ability to pay shall be the basis for determining the maximum allowable reimbursement eligible under this part. ~~Nothing in this paragraph shall be interpreted to~~ *does not* increase the maximum reimbursement allowed under paragraph (2).

(4) Reimbursements made to the local agency in excess of the maximum allowable reimbursement shall be returned to the department.

(5) The department may recover, retroactively, excess reimbursements paid to the local agency from any time after January 1, 1997, based on an updated study of the agency's ability to pay.

(6) All final costs allocated or reimbursed under a plan shall be approved by the reclamation board for project and nonproject levee work.

(7) Costs incurred pursuant to this part that are eligible for reimbursement include construction costs and associated engineering services, financial or economic analyses,

1 environmental costs, mitigation costs, and habitat improvement
2 costs.

3 (b) Upon completion of its evaluation pursuant to Sections 139.2
4 and 139.4, by January 1, 2008, the department shall recommend
5 to the Legislature and the Governor priorities for funding under
6 this section.

7 (c) This section shall become inoperative on July 1, ~~2010~~ 2015,
8 and, as of January 1, ~~2011~~ 2016, is repealed, unless a later enacted
9 statute, that becomes operative on or before January 1, ~~2011~~ 2016,
10 deletes or extends the dates on which it becomes inoperative and
11 is repealed.

12 SEC. 2. Section 12986 of the Water Code, as amended by
13 Section 5 of Chapter 548 of the Statutes of 2006, is amended to
14 read:

15 12986. (a) It is the intention of the Legislature to reimburse
16 from the General Fund an eligible local agency pursuant to this
17 part for costs incurred in any year for the maintenance or
18 improvement of project or nonproject levees as follows:

19 (1) ~~No costs~~ Costs incurred shall *not* be reimbursed if the entire
20 cost incurred per mile of levee is one thousand dollars (\$1,000) or
21 less.

22 (2) Fifty percent of any costs incurred in excess of one thousand
23 dollars (\$1,000) per mile of levee shall be reimbursed.

24 (3) The maximum total reimbursement from the General Fund
25 shall not exceed two million dollars (\$2,000,000) annually.

26 (b) This section shall become operative on July 1, ~~2010~~ 2015.